

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ANTHONY PRICE,

Plaintiff,

v.

Civil Action No. 3:20CV12

NINA SULLIVAN,

Defendant.

MEMORANDUM OPINION

Anthony Price, a Virginia prisoner proceeding pro se, brings this 42 U.S.C. § 1983 action. By Memorandum Order entered on March 5, 2020, the Court conditionally docketed the action. At that time, Price was admonished that he "must immediately advise the Court of his new address in the event that he is transferred, released, or otherwise relocated while the action is pending." (ECF No. 5, at 3.) Plaintiff was further warned that, "**FAILURE TO DO SO WILL RESULT IN DISMISSAL OF THE ACTION.**" (Id. (emphasis in original).) On February 25, 2021, the Virginia Department of Corrections notified the Court that Price was released from custody on November 16, 2020. (ECF No. 29, at 1.) Since his release from incarceration, Plaintiff has failed to update his address, has not responded to the Motion to Dismiss filed by the Defendant (see ECF No. 23), and has not otherwise communicated with the Court.

By Memorandum Order entered on June 11, 2021, the Court directed Price to show cause why this action should not be

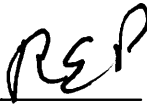
dismissed within eleven (11) days of entry thereof. (ECF No. 30.)
The Court specifically warned Price that if he "fail[ed] to respond, the Court w[ould] dismiss the action without prejudice."
(Id. at 1.)

More than eleven (11) days have passed since the June 11, 2021 Memorandum Order was entered, and Price has failed to respond, and has not otherwise communicated with the Court. Price's conduct indicates a lack of interest in litigating this action.

Accordingly, this action will be dismissed without prejudice. See Fed. R. Civ. P. 41(b). The outstanding Motion to Dismiss (ECF No. 23) will be denied without prejudice.

The Clerk is directed to send a copy of this Memorandum Order to Price at the last known address provided by the Virginia Department of Corrections (see ECF No. 29) and to counsel of record.

It is so ORDERED.

_____/s/ 
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: July 8, 2021